(U.P.), for the year 1994-95, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Statement by Government accepting the above Report. [Placed in Library *See No.* LT-156/96]

(iii) (a)-Annual Report and Accounts of the Nuclear Power Corporation of India Limited, Mumbai, for the year 1994-95, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Statement by Government accepting the above Report.

[Placed in Library *See No.* LT-157/96]

II. Statements (in English and Hindi) giving reasons for the delay in laying the paper mentioned at (I) above.

Notification of the Ministry of Rural Areas and Employment

ग्रामीण क्षेत्र और रोजगार मंत्रालय में राज्यमंत्री (श्री चन्द्रदेव प्रसाद वर्मा): महोदय, मैं कृषि उपज (श्रेणीकरण और चिन्हांकन) अधिनियम, 1937 की धारा 3 की उपधारा (2) के अधीन कड़े बालों का श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1996 को प्रकाशित करने वाली ग्रामीण क्षेत्र एवं रोजगार मंत्रालय (ग्रामीण विकास विभाग) की अधिसूचना सा॰का॰नि॰ सं॰ 215, दिनांक 18 मई, 1996 की एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखता हूं।

[Placed in Library *See No.* LT-158/96]

Notifications of the Ministry of Petroleum and Natural Gas

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI T.R. BAALU): Madam I lay on the Table—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Petroleum and Natural Gas, under subsection (6) of Section 3 of the Essential Commodities Act, 1955:—

(1) G.S.R. No. 126(E), dated the 12th March, 1996 publishing the Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1996.

(2) G.S.R. 127(E), dated the 12th March, 1996 publishing the Liquefied Petroleum Gas (Regulation of Supply and Distribution) (Amendment) Order, 1996. [Placed in Library *See No.* LT-161/96]

II. A copy each (in English and Hindi) of the following Notifications of the Minsitry of Petroleum and Natural Gas, under Section 10 of the Oilfields (Regulation and Development) Act, 1948:—

(1) G.S.R. 152(E), dated the 27th March, 1996 publishing the Petroleum and Natural Gas (Amendment) Rules, 1996 [Placed in Library *See No.* LT-159/96]

(2) S.O. No. 257(E) dated the 27th March, 1996, indicating the basis on which the Central Government may be prepared to consider proposals for prospecting or mining operations in any specified area.

[Placed in Library *See No.* LT-160/96]

MOTION FOR ELECTION TO THE ADVISORY COUNCIL OF THE DELHI DEVELOPMENT AUTHORITY

THE MINISTER OF STATE IN THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (DR. U. VENKATESWARLU): Madam, I move the following Motion:-

"That in pursuance of clause (h) of subsection (2) of section 5 of the Delhi Development Act, 1957 (61 of 1957), this House do proceed to elect, in such manner as the Chairman may direct, one member from among the members of the House to be a member of the Advisory Council of the Delhi Development Authority."

The question was put and the motion was adopted.

SHRI VAYALAR RAVI: Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: There is perfect order in the House.

RE. NOTICE OF ALLAHABAD HIGH COURT ON APPOINTMENT OF PRIME MINISTER

SHRI VAYALAR RAVI (KERALA): Madam, this is regarding a news item which appeared in the newspapers. I believe that the very propriety of Parliament has been questioned. I feel that this House must know what is happening. Here, I quote from the report which appeared in the *Hindustan Times* and then you will understand the point. It says: "The Allahabad High Court today issued notice to the Centre on a writ petition challenging the appointment of Mr. H.D. Deve Gowda as Prime Minister and fixed the matter for hearing on August 13." Madam, as per the Constitution, Shri Deve Gowda was appointed as Prime Minister by the President after fully ensurig that he enjoyed the majority support of the Members of the Lok Sabha. Madam, it is a very, very impmortant question. The President had followed all the conventions. After elections, when a hung Parliament came into being, the President observed all the formalities and followed every convention. Article 74 is very clear that there shall be a Council of Ministers. Then comes the question of the appointment of Prime Minister under Article 75(1). I quote: "This Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister." Accordingly, he made a decision. So, when the United Front was formed, the leaders of various political parties, including the Congress (I), jointly gave a letter to the President informing him of their support to the United Front Government. So, the President was satisfied that there was an absolute majority for the United Front to form the Government. Then, it was a conditional appointment. What was the condition? It was that the hon. Prime Minister would seek a vote of confidence on his Government in the Lok Sabha. Our hon. Prime Minister, in a short span of time, even before the last date which was fixed, won the vote of confidence and the Members of Lok Sabha accepted Shri Deve Gowda as Prime Minister of this country. Again, Madam, Article 75(1) is very clear.

Article 75(5) reads as follows and I quote:

> "A Minister who for any period of six consecutive months is not a Member of either House of Parliament shall at the expiration of that period cease to be a Minister."

What does this mean? It means that any person, even if he is not a Member of either House of Parliament, can be a Minister or a Prime Minister for six months. Such instances took place in the States. Now it has happened here. There were instances in the past also. The provision of the Constitution in this regard is very clear. Moreover, once Parliament accepts a Council of Ministers, it has become a part of it, a property of it. So, the notice of the Court amounts to a pure treaspassing into our domain. So far as the appointment of Prime Minister and other Ministers is concerned, it is the right of Parliament the right of the President, the power of the President. Once Parliament accepts the appointments, nobody in this country can question the validity of such appointments. Thus, the admission of the writ petition and issuance of a notice to the Government of India is beyond the scope of the Judiciary. It is unconstitutional. It is an infringement of the rights of this Parliament. Only this Parliament can say who the Prime Minister is. Nobody else or no other institution can question the wisdom of Parliament. Therefore, I want a direction from the Chair.. ..*(Interruptions)*....

SHRIMATI JAYANTHI NATARAJAN: Madam, they are straightway walking into our domain.

SHRI VAYALAR RAVI: I want a direction from the Chair to the Prime Minister and the Government of India not to appear before the Court or respond to its notice. This is what I want from the Chair.

श्री ईश दत्त यादव (उत्तर प्रदेश) : मैडम, श्री वायालर रवि जी ने जो कुछ कहा है, वह संविधान-सम्मत है। मैं इसका पूरा समर्थन करता हूं। संविधान के अनुच्छेद 74 और 75 में इसकी व्यवस्था दी गई है, जिसको वायालर रवि जी ने पढ़कर सुनाया है, इसमें राष्ट्रपति जी को पूरा अधिकार है कि किसे वह प्रधानमंत्री नियुक्त करें और प्रधानमंत्री की सलाह पर किसको वह मंत्री नियुक्त करें।